

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HORACE CRUMP, #236528,

Plaintiff,

No. 10-CV-13787

vs.

Hon. Gerald E. Rosen

AMY BEST, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S TWO
REPORTS AND RECOMMENDATIONS AND
DISMISSING PLAINTIFF'S COMPLAINT, IN ITS ENTIRETY

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 27, 2012

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This matter is presently before the Court on two Reports and Recommendations issued by United States Magistrate Judge David R. Grand on March 5, 2012. In the first of these Reports and Recommendations, Dkt. # 30, the Magistrate Judge recommends (1) that the motion for summary judgment filed by Defendants Rapelje, Zimmer, Vittitow, Freed, Best, Buczek, Blakely, Bell and Allen be granted and that Plaintiff's federal claims against these defendants be dismissed with prejudice, and (2) that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims. In the second R&R, Dkt. # 31, the Magistrate Judge recommends that Plaintiff's claims against

Defendant Beard be dismissed, without prejudice, for failure to prosecute. Plaintiff and Defendants filed objections to the first R&R, but no objections were filed to the second.

Having now had the opportunity to review the Reports and Recommendations, the parties' objections and the entire record of this matter, the Court has determined that the parties' objections should be overruled, and, for the reasons stated in the Reports and Recommendations, Defendants' motion for summary judgment should be granted and this case should be dismissed in its entirety.

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's March 5, 2012 Reports and Recommendations [**Dkt. Nos. 30 and 31**] are hereby adopted by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Defendants Rapelje, Zummer, Vittitow, Freed, Best, Buczek, Blakely, Bell and Allen's Motion for Summary Judgment [**Dkt. # 18**] is GRANTED, and Plaintiff's federal claims against these Defendants are DISMISSED, WITH PREJUDICE.

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(m), Plaintiff's claims against Defendant Beard are DISMISSED, WITHOUT PREJUDICE.

All of the claims over which this Court has original jurisdiction having been dismissed, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's state law claims are DISMISSED,

WITHOUT PREJUDICE.

Let Judgment be entered accordingly,

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: March 27, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 27, 2012, by electronic mail and upon Horace Crump, #236528, G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, Michigan 49201 by ordinary mail.

s/Ruth A. Gunther
Case Manager